

Notice of Allowability

Application No.

09/223,472

Examiner

William T. Leader

Applicant(s)

LEE, KEVIN J.

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 11/5/2004.
2. ☒ The allowed claim(s) is/are 34-38,40-43,45-47 and 49-51.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 12/07/1999.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 06-25-2005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on November 5, 2004, has been entered.

2. As indicated in the paper mailed to applicant on April 19, 2005, the petition to withdraw abandonment was granted.

3. The amendment filed on November 5, 2004, has been entered. Claims 1-5 and 18-33 have been canceled. As indicated at page 7 of applicant's Remarks, new claims 34-53 have been added in accordance with the Examiner's suggestion that claims 25, 26 and 32 would be allowable if rewritten in independent form. New independent claim 34 includes the limitations of original independent claim 1 and original dependent claims 27 and 32. New independent claim 46 includes the limitations of original independent claim 18 and original dependent claims 19, 24 and 25.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen DeKlerk on June 25, 2005.

In the Claims:

Claims 39 and 44 have been canceled.

Claim 40, line 1: "39" has been changed to -- 34 --; "two" has been deleted.

Claim 43, line 1: "39" has been changed to -- 34 --.

Claim 45, line 1: "39" has been changed to -- 34 --.

Claims 48, 52 and 53 have been canceled.

Claim 49, line 1: "48" has been changed to -- 46 --.

Claim 51, line 2: "radical" has been changed to -- radial --.

COMMENTS

5. As noted above, new independent claim 34 includes the limitations of original claims 1, 27 and 32, while new independent claim 46 includes the limitations of original claims 18, 19, 24 and 25. New dependent claims 39 and 44 correspond to original claims 27 and 32, respectively. Since the subject matter of these claims has been incorporated into new independent claim 34, claims 39 and 44 have been canceled. New dependent claims 48, 52 and 53 correspond to original claims 19, 24 and 25, respectively. Since the subject matter of these claims has been

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incorporated into new independent claim 46, claims 48, 52 and 53 have been canceled. The dependencies of claims 40, 43, 45 and 49 have been changed in view of the cancellation of claims 39 and 48. Additionally, claim 40 has been amended to be consistent with the limitations of claim 34 (compare claim 40 to claim 49), and a minor error in claim 51 has been corrected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 571-272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WL
William Leader
June 25, 2005

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SUPERVISORY PATENT EXAMINER
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